

Message Text

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PAGE 01 STATE 241263

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C O N F I D E N T I A L STATE 241263

STADIS////////////////////////////////////

FOLLOWING REPEAT IAEA VIENNA 6770 ACTION SECSTATE INFO NEW DELHI
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QUOTE: C O N F I D E N T I A L IAEA VIENNA 6770
STADIS

DEPT PASS IO/SCT AND OES/KRATZER

EO 11652: GDS

TAGS: TECH, IAEA, IN

SUBJ: STORAGE OF SPENT TARAPUR FUEL

REFS: A. IAEA VIENNA 6107; B. STATE 176922

1. RETURN FROM VACATION OF IAEA STAFF MEMBER DIRECTLY INVOLVED
WITH INDIAN SAFEGUARDS PROGRAM HAS REVEALED INFORMATION CONTRARY
TO PARAS 1 AND 5, REFTEL A.

2. IT HAD APPARENTLY ESCAPED MEMORY OF ROMETSCH AND NAKICENOVIC THAT
ON FEBRUARY 13, 1975 RPT 1975, AGENCY HAD SUBMITTED TO GOI PROPOSED
RECORDS AND REPORTS SYSTEM FOR RECEIVING POOL OF POWER REACTOR FUEL
REPROCESSING PLANT IN TARAPUR (PREFRE). GO ACCEPTED THE IAEA
PROPOSAL BY LETTER DATED MAY 6, 1975, AT WHICH TIME THOSE ARRANGE-
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PAGE 02 STATE 241263

MENTS "TOOK EFFECT." KEY AGENCY STAFF HAVING PERSONAL KNOWLEDGE

OF THIS EXCHANGE WERE ABSENT FROM VIENNA UNTIL LAST WEEK WHEN ONE, ON RETURN FROM VACATION, WAS ASKED TO REVIEW THE PREFRE SAFEGUARDS ARRANGEMENTS BEING PREPARED IN ACCORDANCE ROMETSCH'S INSTRUCTIONS OUTLINED PARAS 2 AND 4, REFTEL A.

3. MISSION HAS RECEIVED, IN CONFIDENCE, COPY OF THE AGREED RECORDS AND REPORTS SYSTEMS AND THE TRANSMITTAL LETTER OF FEBRUARY 13, 1975, SIGNED BY ROMETSCH. (COPIES BEING POUCHED TO OES/KRATZER).

4. THE AGENCY'S TRANSMITTAL LETTER STATES IN PART: QUOTE IT IS MY UNDERSTANDING THAT THE PROPOSED RECORDS AND REPORTS SYSTEM IS A PROVISIONAL ONE ONLY, AND DOES NOT IN ANY WAY PREJUDICE THE FORMULATION OF THE FINAL SYSTEM, WHICH WILL BE APPLICABLE TO THE WHOLE POWER REACTOR FUEL REPROCESSING PLANT. IT IS ALSO UNDERSTOOD THAT AS FAR AS THE TARAPUR ATOMIC POWER STATIONS FUEL IS CONCERNED, NO OPERATION OTHER THAN TRANSFER INTO AND OUT OF THE POOL AND STACKING ARRANGEMENTS OF THE SAME IN THIS POOL ARE TO BE CARRIED OUT DURING THE PERIOD THE PROVISIONAL SYSTEM REMAINS IN FORCE.

QUOTE IDENTIFICATION MARKS AND MEASUREMENT TECHNIQUES WILL BE USED BY THE AGENCY FOR INVENTORY VERIFICATION PURPOSES. THE DETAILS OF THE PRACTICAL ARRANGEMENTS WILL BE DISCUSSED WITH THE OPERATORS.

QUOTE IF THE CONTENTS OF THIS LETTER AND THE ATTACHED RECORDS AND REPORTS SYSTEM ARE ACCEPTABLE TO YOUR GOVERNMENT, WE WOULD APPRECIATE YOUR CONFIRMATION TO THIS EFFECT IN WRITING. THE RECORDS AND REPORTS SYSTEM WILL THEN TAKE EFFECT AS OF THE DATE OF YOUR REPLY. UNQUOTE.

5. AGREEMENT ON THE RECORDS AND REPORTS SYSTEM FOR PREFRE RECEIVING POOL WAS ENTERED INTO, ON THE PART OF THE AGENCY, IN LIGHT OF ARTICLE VI B2 OF THE US-INDIAN BILATERAL AGREEMENT WHICH IS REPRODUCED AS PART II OF INFCIRC/154, "THE TEXT OF THE SAFEGUARDS AGREEMENT RELATING TO THE BILATERAL AGREEMENT BETWEEN INDIA AND THE UNITED STATES OF AMERICA." THAT ARTICLE SPECIFICALLY CALLS FOR ESTABLISHMENT OF A SYSTEM
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PAGE 03 STATE 241263

OF RECORDS AND REPORTS. THAT WAS THE EXTENT OF DETAILS THE GOI WERE WILLING, AT THAT TIME, TO COVER IN WRITTEN FORMAL SUBSIDIARY AGREEMENT WITH IAEA, ON THE BASIS THAT NOTHING MORE IS SPECIFICALLY CALLED FOR BY THE BILATERAL (E.G. SEE BILATERAL ANNEX A). AS NOTED IN AGENCY'S TRANSMITTAL LETTER, THE DETAILS OF THE "PRACTICAL ARRANGEMENTS," I.E., INSPECTION, SURVEILLANCE, AND VERIFICATION ASPECTS, WERE TO BE "DISCUSSED" WITH THE PLANT OPERATORS. IT IS CLEAR

THEREFORE, THAT, AT SOME LEVEL, ARRANGEMENTS BEYOND THOSE CONTAINED IN THE RECORDS AND REPORTS SYSTEM FOR PREFRE RECOVER POOL ARE NECESSARY TO COVER THE ADDITIONAL ASPECTS OF SAFEGUARDING THE POOL, SUCH AS INSPECTION, CONTAINMENT AND SURVEILLANCE, ETC. SUCH ASPECTS ARE ADDRESSED IN THE NEW DRAFT SAFEGUARDS ARRANGEMENTS.

6. HOWEVER, KEY AGENCY STAFF MEMBERS NOTED IN PARA 2 ABOVE HAVING KNOWLEDGE OF THE INDIAN SITUATION EXPRESS DOUBT, BASED UPON PREVIOUSLY OBSERVED GOI ATTITUDE, THAT GOI WOULD BE WILLING TO AGREE FORMALLY TO THE NEW DRAFT, SINCE IT GOES BEYOND THE RECORDS AND REPORTS CALLED FOR IN THE BILATERAL. AGENCY STAFF WAS QUICK TO ADD, HOWEVER, THAT IN DISCUSSIONS WITH PREFRE OPERATOR, PURSUANT TO SECOND PARAGRAPH OF QUOTATION IN PARA 4 ABOVE, A SYSTEM OF APPLYING IAEA IDENTIFICATION MARKS (INDIAN EUPHEMISM FOR SEALS) TO THE SPENT TARAPUR ELEMENTS AS SOON AS THEY ARE MOVED INTO THE PREFRE POOL, WAS READILY AGREED TO ORALLY BY THE OPERATOR. HOWEVER, THIS AND OTHER INSPECTION ARRANGEMENTS ARE OUTSIDE THE CONTEXT OF THE FORMAL RECORDS AND REPORTS SYSTEM OR ANY OTHER AGREED DOCUMENT. AGENCY ALSO POINTS OUT THAT, UNDER ARTICLE VI B4 OF THE BILATERAL, THEY HAVE RIGHT OF ACCESS AT ALL TIMES (FULL ACCESS) TO PREFRE POOL TO CHECK THOSE SEALS AND WOULD PROBABLY DO SO ON THE OCCASION OF THEIR FREQUENT VISITS TO TARAPUR POWER STATION.

7. QUESTION AROS DURING DISCUSSIONS AS TO WHETHER SECOND SENTENCE OF QUOTATION PARA 4 ABOVE MAY BE INTERPRETED BY INDIA, AND PERHAPS IAEA AS WILL, AS CONSTITUTING AGREEMENT BY IAEA TO TRANSFER OF FUEL FROM TARAPUR STATION TO PREFRE RECEIVING POOL, PURSUANT TO ARTICLE VI B3 OF BILATERAL. MISSION ASSUMED, IN LAST SENTENCE REFTTEL, THAT RIGHT TO AGREE TO TRANSFER HAD BEEN RETAINED BY USG AND HAD NOT RPT HAD NOT BEEN SUSPENDED
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PAGE 04 STATE 241263

ALONG WITH " THE SAFEGUARDS PROVISION" OF ARTICLE VI REFERRED TO IN SECTION 4 OF TRILATERAL. WE WILL SEEK VIEW OF SECRETARIAT LEGAL STAFF RE THIS POINT WHEN THEY RETURN NEXT WEEK. MISSION WOULD APPRECIATE DEPARTMENT'S VIEWS ON INTENT SECTION 4 OF TRILATERAL RE WHETHER USG OR IAEA HAS RIGHT TO AGREE TO TRANSFER.
LABOWITZ
UNQUOTE ROBINSON

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